



## CALIFORNIA BUSINESS PROPERTIES ASSOCIATION

1121 L Street, Suite 809 • Sacramento • California • 95814 • 916-443-4676 • Fax 916-443-0938 • [www.cbpa.com](http://www.cbpa.com)

### VIA ELECTRONIC MAIL

December 3, 2004

Dr. John Faust  
Senior Toxicologist  
Office of Environmental Health  
Hazard Assessment  
1515 Clay Street, 16th Floor  
Oakland, CA 94610  
[jfaust@oehha.ca.gov](mailto:jfaust@oehha.ca.gov)

### **Re: Cal/EPA EJ Action Plan Implementation: Preliminary Comments regarding the Definition of “Multi-media Cumulative Impacts”**

Dear Dr. Faust:

California Business Properties Association appreciates the opportunity to comment on the definition of “Multi-media Cumulative Impacts” under Cal/EPA’s Environmental Justice Action Plan (the “EJ Action Plan”). We support the comments recently submitted by the California Council for Environmental and Economic Balance. In particular, we urge you to consider the following recommendations as you deliberate on this very important definition.

We support Cal/EPA’s effort to define “multi-media cumulative impacts” under the EJ Action Plan. We also believe that environmental justice programs should use clearly defined terms, which will allow Cal/EPA and all stakeholder groups to have a common understanding of the state’s environmental justice policy.

In response to a suggested definition for “multi-media cumulative impacts” we recommend the following: “multi-media cumulative impacts means the adverse health risk posed by exposure to pollutants from multiple pollution sources.” This definition is appropriate because it captures the multi-media aspect by referring to “pollution sources” as opposed to, for example, just air pollution sources. It also captures the cumulative aspect (i.e., sources evaluated in the aggregate) by referring to “multiple pollution sources”.

This definition is also consistent with OEHHA’s guidance on health risk assessment in that it incorporates both cancer and noncancer risk. It also allows consideration of multiple exposure pathways (e.g., air, water, food, etc.) and the toxicity of the pollutants involved.

We further believe that the definition of “multi-media cumulative impacts” should *not* include social factors (e.g., lack of health insurance, emotional stress, dilapidated housing, crime, poor nutrition, etc.). Environmental justice policies and related regulatory programs cannot be expected, nor should they be required, to resolve broader issues of social injustice. While these

are issues that may present serious concerns for a community, they are issues that are beyond Cal/EPA's jurisdiction and are beyond Cal/EPA's capacity to resolve.

Cal/EPA's application of the above-proposed definition would allow objective, as opposed to subjective, evaluation of the cumulative impacts in a given community. This is critical to the development of fair and equitable programs to address cumulative impacts. This definition is also consistent with Cal/EPA's commitment to develop cumulative impacts policy with a "strong scientific foundation" and will allow Cal/EPA and its BDOs to prioritize their work and focus on the health risks that pose the greatest potential harm.

It is important to note that the proposed definition of "multi-media cumulative impacts" would only cover the *scope* of multi-media cumulative impacts. It would not, for example, address the issue of how the agencies would determine if a cumulative impact problem exists.

We strongly urge you to adopt the proposed definition in lieu of the default definition suggested by members of Cal-EPA's Advisory Committee on Environmental Justice in September of 2003. The latter definition lacks any consideration of health risk and therefore will not inform rational decisions regarding 1) what constitutes a cumulative impact, 2) whether the magnitude of the impact necessitates further regulation beyond existing program requirements and 3) what measures may be necessary to mitigate the impact.

CBPA is the designated legislative advocate for the International Council of Shopping Centers, the California Chapters of the National Association of Industrial and Office Parks, the Building Owners and Managers Association of California, the Retail Industry Leaders Association, the Institute of Real Estate Management, the Commercial Real Estate Women, and the California Downtown Association, making CBPA the acknowledged voice of the commercial real estate industry in California, representing the largest commercial real estate consortium with almost 10,000 members.

We recognize the many challenges facing Cal-EPA as it attempts to forge new Environmental Justice policy and we appreciate your consideration of these comments. We look forward to continued discussions with you and other EJ stakeholders.

If you have any questions, please contact me at (916) 443-4676.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH Moriyama', with a horizontal line extending to the right.

Clifford H. Moriyama  
Senior Vice President for Governmental Affairs

Via Electronic Mail

cc: The Honorable Terry Tamminen  
The Honorable James Branham  
The Honorable Joan Denton  
Ms. Tam Doduc  
Mr. Val Siebal